REMARKS

<u>Summary of Office Action</u>

Claims 1, 2, 5-7, 10-17, 24-30, 33-35, 38-45, and 52-58 were pending in the above-identified application.

Claims 1, 2, 5-7, 10-12, 15, 24-30, 33-35, 38-41, 43, 44, and 52-58 were rejected under 35 U.S.C. § 103(a) as being obvious from Agnihotri et al. U.S. Patent No. 6,771,885 ("Agnihotri") in view of Inoue et al. U.S. Patent No. 6,185,360 ("Inoue").

Claims 13, 14, 16, 17, 42, and 45 were rejected under 35 U.S.C. § 103(a) as being obvious from Agnihotri in view of Inoue further view of Hoffberg et al. U.S. Patent No. 7,242,988 ("Hoffberg").

<u>Summary of Telephonic Interview</u>

Applicants would like to thank the Examiner for the courtesies extended during the August 26, 2008 telephonic interview with the undersigned and Gall C. Gotfried (Reg. No. 58, 333). During the interview, the Examiner's rejections with respect to applicants' claims in view of the prior art of record were discussed.

<u>Summary of Applicants' Reply</u>

Applicants have amended claims 1, 6, 11, 24-29, 34, 39, 52-56, and 58 and added new claims 59-68 to more particularly define the claimed invention. The claim amendments and new claims are fully supported by the application as originally filed and therefore do not add new matter. For example, support for the claim amendments and new claims can be found at least in paragraphs 0007, 0064, 0069-0071, and 0081; and FIGS. 8, 11b and 14a of applicants' specification.

The Examiner's rejections of applicants' claims are respectfully traversed.

11

<u>Applicants' Reply</u>

The Examiner rejected claims 1, 2, 5-7, 10-12, 15, 24-30, 33-35, 38-41, 43, 44, and 52-58 under 35 U.S.C. § 103(a) as being obvious from Agnihotri in view of Inoue. The Examiner rejected claims 13, 14, 16, 17, 42, and 45 under 35 U.S.C. § 103(a) as being obvious from Agnihotri in view of Inoue in further view of Hoffberg. The Examiner's rejections are respectfully traversed.

Applicants' claimed invention, as defined by amended independent claims 1 and 29, is directed towards systems and methods for reducing cut-offs in a recording system when programs are recorded. More specifically, using the user equipment, a user selection of a program to record is received, a time change associated with the selected program is predicted, and the selected program is recorded to compensate for a time change based on the predicted time change. The predicted time change is based on time changes for previous programs that have subject matter similar to the subject matter of the selected program.

Applicants respectfully submit that Agnihotri, Inoue and Hoffberg fail to show or suggest a predicted time change that is based on time changes for previous programs that have subject matter similar to the subject matter of the selected program, as defined by applicants' claims 1 and 29.

Agnihotri discusses generating one or more signatures to determine a start time and an end time of a program (Abstract, col. 2, lines 24-28). Although the signatures are generated based on information such as keyframe similarity, histograms, commercials, and transcripts, Agnihotri fails to show or suggest predicting a time change based on the time changes for previous programs that have subject matter similar to the subject matter of the selected program. For example, while Agnihotri discusses using a content model to determine the occurrence of commercial breaks in order to identify the start time and end time of a program (col. 6, lines 3-10), Agnihotri does not show or suggest basing the content model on previous programs, let alone previous programs that have subject matter similar to the subject matter of the selected program. Thus, Agnihotri fails to show or suggest

12

predicted time change that is based on time changes for previous programs that have subject matter similar to the subject matter of the selected program, as defined by applicants' claims 1 and 29.

The Examiner admits that Agnihotri fails to show or suggest a time change based on related programs, and uses Inoue to make up for the deficiency in Agnihotri. However, Inoue discusses a system that detects and resolves recording conflicts based on additional information of programs scheduled for recording (col. 8, lines 40-59 and col. 9, lines 15-26). During the Examiner Interview, the Examiner stated that the programs in Inoue are related by being scheduled for recording. Applicants respectfully submit that programs that are scheduled for recording are different from programs that similar subject matter. Thus, Inoue does not show or suggest predicted time change that is based on time changes for previous programs that have subject matter similar to the subject matter of the selected program, as defined by applicants' claims 1 and 29.

Hoffberg does not make up for the deficiencies of Agnihotri and Inoue relative to the rejection.

Thus, Agnihotri, Inoue and Hoffberg, whether taken alone or in combination, fail to show or suggest all the features of applicants' claims 1 and 29.

Accordingly, applicants respectfully submit that claims 1 and 29, and claims 2, 5-7, 10-17, 24-28, 30, 33-35, 38-45, and 52-28, which, directly or indirectly, depend from claim 1 or 29, are allowable over the prior art of record. For at least this reason, applicants respectfully request that the 103 rejections of claims 1, 2, 5-7, 10-17, 24-30, 33-35, 38-45, and 52-28 be withdrawn.

New Claims

Applicants have added new claims 59-68 to more particularly define the claimed invention. Applicants respectfully submit that new claims 59-68 are allowable over the prior art of record at least because new claims 59-68 depend variously on allowable

claims 1 and 29.

Claims 61 and 66 include, *inter alia*, storing a change in the broadcast interval of a program in memory. Although Agnihotri discusses identifying the start time and end time of a program based on content models, nowhere does Agnihotri show or suggest that the content models are stored in response to detecting a change in the broadcast interval of a program. Additionally, claims 62 and 67 include, *inter alia*, retrieving the change in the broadcast interval of a program from memory such that a time change of another program can be predicted based on the stored change. Because Agnihotri does not show or suggest storing a change in the broadcast interval of a program in memory, Agnihotri does not show or suggest predicting a time change for a selected program based on a stored change. For at least these reasons, applicants respectfully submit that claims 59-68 are allowable over the prior art of record. Inoue and Hoffberg do not make up for the deficiencies of Agnihotri in this regard.

Conclusion

For the reasons set forth above, this application is in condition for allowance. Reconsideration and prompt allowance are accordingly respectfully requested.

Respectfully submitted,

/Baaba Andam/

Baaba Andam
Limited Recognition No. L0455
Agent for Applicants
Ropes & Gray LLP
Customer No. 75563
1211 Avenue of the Americas
New York, New York 10036-8704
Tel.: (212) 596-9000